



February 2, 2016

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## SENATE BILL No. 10

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DIGEST OF SB 10 (Updated February 1, 2016 4:14 pm - DI 84)

**Citations Affected:** IC 20-28.

**Synopsis:** Teacher salary supplemental payments. Adds factors for which a teacher may receive supplemental payments. Provides that not more than 50% of a supplemental payment may be added to the teacher's base salary, based upon school corporation policy.

**Effective:** July 1, 2016.

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**Raatz, Kruse,  
Randolph Lonnie M**

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January 5, 2016, read first time and referred to Committee on Education & Career Development.

January 21, 2016, amended, reported favorably — Do Pass.

January 28, 2016, read second time, amended, ordered engrossed.

February 1, 2016, engrossed. Pursuant to Senate Rule 35(c); technical correction committee report adopted.

February 1, 2016, read third time, passed. Yeas 26, nays 24.

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SB 10—LS 6147/DI 116



February 2, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 10

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-28-7.5-1, AS AMENDED BY P.L.239-2015,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 1. (a) This chapter applies to a teacher in a school  
4 corporation (as defined in IC 20-18-2-16(a)).  
5 (b) A contract with a teacher may be canceled immediately in the  
6 manner set forth in sections 2 through 4 of this chapter for any of the  
7 following reasons:  
8 (1) Immorality.  
9 (2) Insubordination, which means a willful refusal to obey the  
10 state school laws or reasonable rules adopted for the governance  
11 of the school building or the school corporation.  
12 (3) Incompetence, including:  
13 (A) for probationary teachers, receiving an ineffective  
14 designation on a performance evaluation or receiving two (2)  
15 consecutive improvement necessary ratings on a performance  
16 evaluation under IC 20-28-11.5; or  
17 (B) for any teacher, receiving an ineffective designation on

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two (2) consecutive performance evaluations or an ineffective designation or improvement necessary rating under IC 20-28-11.5 for three (3) years of any five (5) year period.

(4) Neglect of duty.

(5) A conviction of an offense listed in IC 20-28-5-8(c).

(6) Other good or just cause.

(c) In addition to the reasons set forth in subsection (b), a probationary teacher's contract may be canceled for any reason relevant to the school corporation's interest in the manner set forth in sections 2 through 4 of this chapter.

(d) After June 30, 2012, the cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in ~~IC 20-28-9-1.5(b)~~ **IC 20-28-9-1.5** may be considered.

(e) Only the governing body may terminate, cancel, or otherwise refuse to renew a contract of a superintendent or assistant superintendent. Notice of the contract cancellation or the refusal to renew the individual's contract must be provided in the manner provided in IC 20-28-8-3(a).

SECTION 2. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015, SECTION 179, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This ~~subsection~~ **section** governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015.

**(b)** For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan **if under any of the following circumstances:**

**(1)** The teacher has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:

~~(1)~~ **(A)** a dual credit course; or

~~(2)~~ **(B)** another course;

taught by the teacher.



(2) For school years beginning after June 30, 2016, the teacher has received authorization for the teacher's advanced placement course syllabus from the College Board for an advanced placement course taught by the teacher.

(3) For school years beginning after June 30, 2016, to attract or retain a teacher as needed.

(4) For school years beginning after June 30, 2016, the attainment of either additional degrees or credit hours beyond the requirements for employment with at least eighteen (18) hours in a content area currently taught by the teacher or a content area the teacher plans to teach upon receiving the degree or credit hours. In addition, a supplemental payment may be made to

(5) The teacher is an elementary school teacher who earns a master's degree in math or reading and literacy.

The superintendent or the superintendent's designee shall prepare a written explanation for the decision to supplement a teacher's pay. The explanation must include supporting documentation based on the education and instructional benefit received by the school corporation. The explanation shall be filed in the teacher's personnel file. The school corporation shall present this information to the governing body in either a public meeting or an executive session, at the discretion of the governing body. In addition, an amount determined under the policies adopted by the governing body but not exceeding fifty percent (50%) of the amount of a supplemental payment to an individual teacher in a particular state fiscal year beginning after June 30, 2016, becomes a permanent part of and increases the base salary of the teacher receiving the supplemental payment for school years beginning after the state fiscal year in which the supplemental payment is received. A ~~supplement~~ supplemental payment or an addition to a teacher's base salary provided under this subsection is not subject to collective bargaining, but a discussion of the ~~supplement~~ supplemental payment or addition to a teacher's base salary must be held. ~~Such~~ A ~~supplement~~ supplemental payment under this subsection is in addition to any increase permitted under subsection ~~(b)~~: (c).

~~(b)~~ (c) Increases or increments in a local salary range must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three **and one-third** percent ~~(33%)~~ (33.33%) of the calculation used to determine a teacher's increase or increment:



- 1 (A) The number of years of a teacher's experience.
- 2 (B) The attainment of either:
- 3 (i) additional content area degrees beyond the requirements
- 4 for employment; or
- 5 (ii) additional content area degrees and credit hours beyond
- 6 the requirements for employment, if required under an
- 7 agreement bargained under IC 20-29.
- 8 (2) The results of an evaluation conducted under IC 20-28-11.5.
- 9 (3) The assignment of instructional leadership roles, including the
- 10 responsibility for conducting evaluations under IC 20-28-11.5.
- 11 (4) The academic needs of students in the school corporation.
- 12 ~~(c)~~ (d) A teacher rated ineffective or improvement necessary under
- 13 IC 20-28-11.5 may not receive any raise or increment for the following
- 14 year if the teacher's employment contract is continued. The amount that
- 15 would otherwise have been allocated for the salary increase of teachers
- 16 rated ineffective or improvement necessary shall be allocated for
- 17 compensation of all teachers rated effective and highly effective based
- 18 on the criteria in subsection ~~(b)~~: (c).
- 19 ~~(d)~~ (e) A teacher who does not receive a raise or increment under
- 20 subsection ~~(c)~~ (d) may file a request with the superintendent or
- 21 superintendent's designee not later than five (5) days after receiving
- 22 notice that the teacher received a rating of ineffective. The teacher is
- 23 entitled to a private conference with the superintendent or
- 24 superintendent's designee.
- 25 ~~(e)~~ (f) The department shall publish a model compensation plan
- 26 with a model salary range that a school corporation may adopt. ~~Before~~
- 27 ~~July 1, 2015, the department may modify the model compensation plan,~~
- 28 ~~as needed, to comply with subsection (f).~~
- 29 ~~(f)~~ (g) Each school corporation shall submit its local compensation
- 30 plan to the department. For a school year beginning after June 30,
- 31 2015, a local compensation plan must specify the range for teacher
- 32 salaries. The department shall publish the local compensation plans on
- 33 the department's Internet web site.
- 34 ~~(g)~~ (h) The department shall report any noncompliance with this
- 35 section to the state board.
- 36 ~~(h)~~ (i) The state board shall take appropriate action to ensure
- 37 compliance with this section.
- 38 ~~(i)~~ (j) This chapter may not be construed to require or allow a school
- 39 corporation to decrease the salary of any teacher below the salary the
- 40 teacher was earning on or before July 1, 2015, if that decrease would
- 41 be made solely to conform to the new compensation plan.
- 42 ~~(j)~~ (k) After June 30, 2011, all rights, duties, or obligations



- 1 established under IC 20-28-9-1 before its repeal are considered rights,  
2 duties, or obligations under this section.

